

## **Summary of Public Scoping Comments**

### **Outer Continental Shelf (OCS), Alaska, Region, Cook Inlet, Oil and Gas Lease Sales 191 and 199 for Years 2004 and 2006. Environmental Impact Statement**

#### **INTRODUCTION**

In October 2001, the Secretary of the Interior issued the Proposed OCS Oil and Gas Leasing Program for 2002-2007. That document presented her preliminary decision to consider two sales in Cook Inlet, Sale 191 in 2004 and Sale 199 in 2006.

In the *Federal Register* of December 31, 2001, MMS issued a Call for Information and Nominations and a Notice of Intent to Prepare an Environmental Impact Statement (EIS) and also advertised in the Alaskan media the opportunity for public involvement. The EIS will cover both sales.

Through scoping, MMS receives information used to determine the issues, alternatives, and mitigating measures that will be analyzed in depth in the EIS, as well as those that will not be addressed. This report presents a summary of the comments submitted to MMS. It does not present an exhaustive list of all the comments received. Neither does it present responses to the comments, conclusions, or decisions related to the content of the comments. Section I.D of the EIS will discuss and evaluate all of the scoping issues and concerns listed in the summary of comments below and the significant issues will be identified for further detailed analysis in the Section IV (Analysis of Effects) of the EIS.

#### **BACKGROUND**

Since 1977, the MMS has written four Cook Inlet lease sale EISs. The pre-sale process for Sale 191 will require a minimum of 2 ½ years to complete. After the final multiple sale EIS is published and the coastal zone management consistency determination for Sale 191 have been completed, the MMS will prepare an environmental assessment (and, if needed, a supplemental EIS), and a consistency determination for Sale 199. The consistency determinations will address any new issues or relevant changes in the State of Alaska's federally approved coastal management plan.

The public will have opportunities to comment on each sale proposal. Preparation of the multiplesale EIS does not indicate a decision to lease in the Cook Inlet. The final delineation of the areas to be offered for leasing will be made at a later date in the pre-sale process for each sale included in the Secretary's Final 5-Year Program. This delineation will comply with all applicable laws including the National Environmental Policy Act and the OCS Lands Act.

## SCOPING PROCESS

During the scoping process, six ways were provided to submit comments to the MMS on the Cook Inlet Oil and Gas Lease Sales:

- Open public meetings in Homer, Seldovia, Ninilchik, Kenai, Kodiak, Port Graham, Nanwalek, and Anchorage, Alaska;
- Government-to-government contacts with Native Alaskan tribes, the State of Alaska, and local governments;
- Outreach and information meetings with non-government organizations;
- Traditional mail delivery;
- Hand delivery;
- Toll-free voice message.

During the scoping comment period, MMS, as part of the Department of the Interior, was under a court order (Cobell vs. Norton) to be disconnected from all external e-mail and internet connections. As a result, we could not receive comments through e-mail or the internet, as originally planned. We alerted attendees of each scoping meeting of this situation.

More than 100 people participated in the scoping process. In addition, approximately 20 organizations, including Alaska Natives, environmental organizations, private industry, and local, state, tribal and federal government agencies provided comments. We documented many of the comments made during the public meetings. Approximately half of the participants submitted input at the public meetings and outreach meetings, with the other half submitting comments by fax, letter, or phone. Some commenters submitted input through multiple channels. The comments originated predominantly from Alaska.

## SUMMARY OF SCOPING COMMENTS

The following paragraphs summarize the comments received during the scoping period. The wording is intended to categorize and summarize the substance of the comments, not reproduce the exact wording of individual comments. The order in which the issues are presented is not intended to reflect their relative importance. The summary does not evaluate the comments, nor does it attempt to depict any majority opinions or trends. Because of the wide range of interests and opinions about the Cook Inlet OCS oil and gas lease sales, many of the comments in each issue category are illustrative of the varied, and perhaps contradictory, issues, concerns, and desired future conditions expressed by individuals, organizations, and public agencies. While some overlap between categories is unavoidable, effort has been made to reduce repetition of issues between the categories.

**Infrastructure:** Commenters recommended that aging infrastructure of State oil and gas pipelines that could result in leaks, new codes for seismic safety of onshore facilities, use of appropriate technology, and the current status of decommissioned of onshore/offshore facilities be considered in evaluating the proposed lease sales.

**Air quality:** Commenters noted that the analysis should utilize the latest information on air quality impacts from existing oil and gas facilities, with particular consideration given to protecting Class 1 and 2 areas under the Clean Air Act. Class I areas include Chisik and Duck Island in the lower Cook Inlet.

**Archeological, historical, cultural resources:** Some people recommended that the EIS consider the effects of leasing, oil spills, and oil-spill clean-up activities on archaeological, historic, and cultural resources, including impacts to national historic landmarks and national natural landmarks.

**Catastrophic incidents:** Commenters asserted that offshore oil and gas infrastructure is subject to catastrophic events from seismic and volcanic activity, breaches of security, and severe environmental conditions such as those in the Kennedy Entrance and Shelikof Strait. Others questioned the security of maritime commerce and the safety of marine navigation, with and without escort tugs, in severe environmental conditions and the potential for collisions and grounding in the Cook Inlet.

The ability of operators and the government to respond to prevent or control oil spills was questioned. Commenters expressed attendant concerns regarding the adequacy of existing contingency plans, response coordination among agencies, distribution and adequacy of response capabilities, response in adverse weather conditions, training and deployment of local respondents, the cost of clean-up and the identification of critical habitat. Particular reference was made to the past and continuing impact of the Exxon Valdez oil spill on the area. Some commenters requested the EIS include the “worst case scenario” analysis or that a variety of approaches be used in evaluating the potential effects of oil spills.

**Land use:** Some commenters suggested that the EIS analysis separately consider impacts from leasing to special areas, that is, areas that are legally defined and regulated with the objective of protecting resources for their inherent biological or ecological values. These areas include units within the national park system, national wildlife refuges, national estuaries, designated wilderness areas and State critical areas. Units specifically identified by commenters include the Aniakchak National Preserve, Duck and Chinik Islands, Katmai National Park, Lake Clark National Park, Alaska Maritime National Wildlife Refuge, and the McNeil River Bear Sanctuary. People asked that the siting of onshore facilities and impact on land use and private property rights also be examined. Some commenters asked that the EIS examine impacts to Areas Meriting Special Attention.

**Tri-Borough Agreement:** Several commenters noted that MMS needs to specifically consider the five issues in the January 24, 2002 Tri-Borough Agreement prepared and approved by the Kenai Peninsula Borough, Kodiak Island Borough, and the Lake and Peninsula Borough. The five issues are: no offshore loading of tankers; specific plans to minimize and avoid commercial fishing gear conflicts with exploration and development activities; exploration company must have adequate spill prevention and response

capability; critical habitat areas must be identified; and, provisions for local government revenue sharing.

**Commercial and recreational fishing:** Commenters emphasized the importance of the commercial and recreational fishery of the lower Cook Inlet to the economic well being and quality-of-life aspects of the area. They also expressed concerns over the effects leasing may have on these resources including conflicts that may result between offshore energy activity and fishing activity. Input suggested that specific plans be developed to minimize and avoid commercial fishing gear conflicts with the exploration and development. Examples of areas identified where conflicts may result include riptide areas favored by driftnet fishing, areas of set net fishing, and the potential restoration of the Tanner crab fishery around Cape Douglas.

**Socioeconomics:** Input indicated that the direct and indirect positive and the negative effects from the lease sales on the cultural, social and economic well being of people should be considered. These impacts include the effects from the lease sale, including oil spills, to the tourism, recreational, and quality of life uses of the area, labor migration and population in-migration to communities, demand for public services, and effect on public finances and revenues. Respondents suggested we consider the potential diversification of local economy, changes to the character of the communities, and the potential for local use of resources that may result from the lease sale. Comments recommended evaluation of the indirect effects of revenues, royalties, and corporate profits from the lease sale.

**Subsistence:** Commenters requested that a broad definition be given to subsistence, noting the importance of all ocean resources in the area for Alaska Natives. A particular concern is the potential contamination of some of these resources from post-lease and other non-OCS activities. Commenters emphasized the impacts of the Exxon Valdez oil spill on subsistence. The input identified a number of reports that may provide information for evaluating this issue. Commenters requested that specific plans be developed to avoid impacts from exploration and development on subsistence resources and asked that the eastern portion of lower Kenai Peninsula be considered as a deferral alternative.

**Wildlife and Aquatic Habitat:** Commenters asserted that fish, wildlife, and their habitats, including migration routes, could be impacted by offshore oil and gas activities. People remarked on the need to identify sensitive fish habitat and endangered species habitat, monitor these habitats, and acquire geographic information system based maps of the biologically sensitive areas as an aid in decision making. Input identified several biologically sensitive locations, including Anchor Point. Commenters noted the importance of the Barren Islands to marine mammals and migrating birds and requested the area be considered for deferral. Commenters identified several species that may be affected in varying degrees by offshore oil and gas including bears, beluga whales, kelp, Pacific herring, Stellar sea lion, salmon, sea otters, Steller's eiders, Tanner and other crab species, and shore, marine, and coastal birds. Commenters requested that Kachemak Bay be considered as a deferral alternative.

**Visual Impacts:** Commenters thought that the effect to visual resources from OCS operations should be considered. Areas specifically identified by respondents include communities such as Homer and Seldovia, lodges on the west side of the Inlet, and national historic landmarks and national natural landmark sites, such as Yukon Island and McNeil River State Game Sanctuary.

**Water quality.** Commenters highlighted the concerns over contamination of sediments, the water column, and the food chain that may be associated with offshore oil and gas development and other sources, such as non-point source pollution. These substances may be further concentrated in certain areas by eddies that form in the Cook Inlet. Their input accentuates the concern over accumulation of toxins in organisms and the potential health effect that may have on subsistence consumers of the resource. The input identified a number of reports that may provide information for evaluating this issue. Some commenters expressed a preference for zero discharge of muds and cuttings during exploration, development, and production. They also asked for an explanation of why this may not be achievable in some circumstances, other than that the discharge is allowed under a regional exemption to the Clean Water Act for platform discharge. Questions were also raised regarding disposal of ballast water and introduction of non-native species attached to tankers and ships.

**Past Impacts:** Commenters stated that the actual impacts of past offshore oil and gas operations on the environment should be considered when the future impacts from the lease sale are being evaluated.

**Other actions with implications for the lease sale.** Comments were received opposing or supporting some or all of the following: continued leasing, maintaining lease sale schedule, maintain or reducing the sale area, balancing environmental concerns with energy concerns, and alternative energy sources and technology.

## **INCORPORATION OF SCOPING INFORMATION INTO THE EIS**

The information gathered during scoping provides direction for the preparation of the EIS through the identification and issues and concerns. The information collected has helped MMS identify the alternatives, mitigating measures, resource topics, and issues to be evaluated in the EIS.

The EIS will evaluate, in addition to the Proposal and the No Action alternatives, two deferral alternatives, the Lower Kenai Peninsula Deferral and the Barren Island Deferral. Deferral of these areas was suggested in meetings in Port Graham, Seldovia, Nanwalek, and Homer and reflect their subsistence and resources concerns for the offshore area bordering their communities and the Barren Islands. The Lower Kenai Peninsula Deferral would consider removing 34 whole or partial blocks (about 66,000 hectares/163,100 acres) on the eastern side proposed lease sale offshore of Homer, Seldovia, Port Graham, and Nanwalek. The Barren Island Deferral would evaluate the benefits and costs of deferring 36 whole or partial blocks (about 64,000 hectares/158,000 acres) north and west of the Barren Island from one or both of proposed lease sales.

The EIS will analyze five stipulations and six information to lessee clauses (ITL's) adopted for the most recent Cook Inlet OCS oil and gas lease sale, Sale 149 (1998). Wording may be adjusted pending the EIS review. We have added a discussion of the status of the Cook Inlet Beluga whale population into the Sale 149 ITL on Stellar Sea Lions.

### **Stipulations**

- No. 1 - Protection of Fisheries
- No. 2 - Protection of Biological Resources
- No. 3 - Orientation Program
- No. 4 - Transportation of Hydrocarbons
- No. 5 - Zero Discharge

### **Information to Lessee (ITL's) Clauses**

- No. 1 - Information on Bird and Marine Mammal Protection
- No. 2 - Information on Steller Sea Lions and Beluga Whales
- No. 3 - Information on Sensitive Areas to be Considered in the Oil-Spill-Contingency Plan
- No. 4 - Information of Coastal Zone Management Plan
- No. 5 - Information on Oil-Spill-Response Preparedness
- No. 6 - Discharges into the Marine Environment

The EIS will include description of and analysis of effects to the physical, biological, and human environment. The following categories will be included in the EIS: (1) Geology, (2) Climate and Meteorology, (3) Oceanography, (4) Water Quality, (5) Air Quality, (6) Lower Trophic-Level Organisms, (7) Fisheries Resources, (8) Essential Fish Habitat, (9) Marine and Coastal Birds, (10) Non-endangered Marine Mammals, (11) Endangered and Threatened Species (12) Terrestrial Mammals (13) the Economy, (14) Commercial Fisheries, (15) Subsistence-Harvest Patterns, (16) Sociocultural Systems, (17) Environmental Justice, (18) Archaeological and Cultural Resources, (19) National and State Parks and special areas, and (20) Coastal Zone Management. The EIS will also include a cumulative assessment.

Section I.D of the EIS will discuss and evaluate all of the scoping issues and concerns listed in the summary of comments above and the most significant issues will be identified for further detailed analysis in the Section IV (Analysis of Effects) of the EIS.

### **FURTHER PUBLIC INVOLVEMENT**

Additional opportunities for public involvement will be provided during the preparation of the EIS. The next public comment period will commence with publication of the Draft EIS, scheduled for Fall of 2002.

The MMS appreciates the public's and interested organizations' participation and comments during the scoping process and welcomes their continued involvement in the next stage of the EIS process.